

**FILED**  
UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

JUL 10 2020

MITCHELL R. ELFERS  
CLERK

## UNITED STATES DISTRICT COURT

for the  
District of New Mexico

United States of America  
v.

HENRY WALTER BOYD

Case No. 20-MJ-1293

\_\_\_\_\_  
*Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 25, 2020 in the county of Bernalillo in the  
\_\_\_\_\_  
District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 922(g)(1)	Prohibited Person in Possession of a Firearm or Ammunition

This criminal complaint is based on these facts:

See attached Affidavit, attached hereto and incorporated herein.

☐ Continued on the attached sheet.



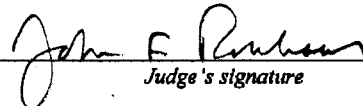
*Complainant's signature*

Michael A. Hallberg, FBI Task Force Officer

*Printed name and title*

Electronically Submitted and Telephonically Sworn to me on this date.

Date: July 10, 2020



*Judge's signature*

City and state: Albuquerque, New Mexico

John F. Robbenhaar, United States Magistrate

Judge

*Printed name and title*

## **AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Michael A. Hallberg, being duly sworn, depose and state:

1. I am employed as a Probation/Parole Officer with the New Mexico Corrections Department (NMCD), Probation Parole Division (PPD), and am currently assigned to the Albuquerque Violent Crime Task Force (VCTF), where I primarily investigate career offenders involved in federal drug and firearm related crimes. I am submitting this affidavit in support of a criminal complaint and arrest warrant charging HENRY WALTER BOYD with a violation of 18 U.S.C. § 922(g)(1), that being a felon in possession of a firearm and ammunition.

### **STATEMENT OF PROBABLE CAUSE**

2. HENRY WALTER BOYD is on parole with the State of New Mexico for Armed Robbery with a Deadly Weapon, Bernalillo County case number D-202-CR-2013-03155. BOYD was initially sentenced to a conditional discharge but revoked on February 11, 2015 after a probation violation.

3. On June 10, 2020, Probation/Parole Officer Veronica Moreno-Diaz was informed by APD Detective Chris Maes that BOYD was potentially involved in an altercation with a federal fugitive D.R. and may have fired shots at the D.R. Officer Moreno-Diaz asked me to assist in the matter because she is not an armed officer and there may be firearms involved. I contacted Detective Maes and he reported that during his investigation, he contacted BOYD's girlfriend, Latanya Muniz (Tanya Muniz), on Facebook and she reported that D.R. had stolen from her and BOYD and BOYD fired several shots at the D.R. The information provided by Muniz led me to have reasonable suspicion that BOYD may be in violation of his conditions of parole, namely New Mexico standard parole conditions #8 – Association and #9 Weapons.

4. On June 25, 2020, PPD Officer Isaac Chacon and I conducted a field call at BOYD's residence, 100 Figueroa Street NE, Apartment 55, Albuquerque, NM 87123.<sup>1</sup> We made contact with Debra Boyd, BOYD's mother, who also resides at the apartment. BOYD was not present. Ms. Boyd

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<sup>1</sup> BOYD provided this address as his address of record with the NMCD.

## **AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT**

allowed us entry into the residence and showed us where BOYD's room was. Upon entry to the room, I observed a large unmarked plastic bag with a green leafy substance on the dresser. Through my training and experience, I believe the substance was Marijuana. The approximate seized weight of the substance was 95 grams. BOYD does possess a THC card in the State of New Mexico but it is required that any prescription be in a properly labeled container. Upon noting the violation, I began a more in-depth search for other violations. In the top dresser drawer of the same dresser, I observed fourteen individually wrapped packages containing green leafy substance, each weighing approximately 2 grams, and two digital scales. Based on my training and experience, I am aware the amount of substance and digital scales, coupled with the individually wrapped packages is consisted with drug trafficking. There was also a box of CCI .22 cal LR HP ammunition containing 81 bullets.

5. BOYD arrived at the residence during the search and was informed he would be taken into custody for the parole violations, New Mexico standard parole conditions #6 – Controlled Substance and #9 Weapons. I asked BOYD where the gun was that went with the ammunition. BOYD reported the firearm belonged to his girlfriend, was kept in her purse, and she was at work. At my request, Ms. Boyd contacted Ms. Muniz by phone. Ms. Muniz indicated she believed the gun was in BOYD's car, which was at the apartment. At that time, Ms. Boyd produced a Ruger LCP II .22 caliber pistol, serial number 380719327, from under the couch in the living room. The pistol had one bullet in the chamber that was the same type as the ammunition found in the bedroom. A magazine with ten bullets was inserted in the pistol. This ammunition was the same brand and caliber and the ammunition found in BOYD's room.

6. At that time, I began a recorded interview with BOYD. BOYD was provided his Miranda rights, waived his rights, and agreed to speak with me. BOYD acknowledged that he was a convicted felon and could not possess firearms. BOYD stated the firearm belonged to his girlfriend, who had purchased it about a month and half or two months ago. After BOYD was informed that he and the gun would be swabbed for DNA, he admitted he had possessed the firearm.

## AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

7. BOYD was arrested for parole violations and booked in the Bernalillo County Metropolitan Detention Center.


### FIREARM EXAMINATION AND INTERSTATE NEXUS

8. I believe Ruger pistols are manufactured in North Carolina. The Ruger pistol underwent an examination and functioned as designed. Based on my training and experience, I believe the pistol meets the federal definition of a "firearm." I am aware the CCI ammunition is manufactured in Idaho.

### CONCLUSION

9. Based on the above information, I believe that there is probable cause to charge BOYD with a violation of 18 U.S.C §§ 922(g)(1) and 924, that being a felon in possession of a firearm and ammunition. Supervisory Assistant U.S. Attorney Jack Burkhead approved this affidavit.

Respectfully Submitted

  
Michael A. Hallberg  
FBI Task Force Officer

ELECTRONICALLY SUBMITTED AND TELEPHONICALLY SWORN ON JULY 10, 2020.

  
HONORABLE JOHN F. ROBBENHAAR  
UNITED STATES MAGISTRATE JUDGE